

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2003-092160

06/07/2004

HONORABLE CONNIE CONTES

CLERK OF THE COURT
P. Odell
Deputy

IN RE THE MARRIAGE OF
MARY MARGARET BIERA

FILED: 06/10/2004

ALTON GLENN REESING

AND

JOHN BIERA JR.

JOHN E BURGER

RULING

The Court took this matter under advisement on April 7, 2004, upon receipt of the parties' submission of post-Trial closing memoranda following Trial on March 30, 2004. The Court has considered the testimony of the parties, the evidence presented, the argument of counsel, and all matters of record in ruling upon the remaining contested issues.

I. Allocation of Community Debt

Based upon the apparent agreement of the parties as reflected in Petitioner/Mother's Pretrial Statement and Respondent/Father's Closing Argument Memorandum,

IT IS ORDERED that Petitioner/Mother shall be responsible for and pay the following community debts and shall hold Respondent/Father harmless thereon:

1. Best Buy
2. Nelnet
3. Chase Mastercard account # ending -2703
4. Capital One Card account # ending -9872
5. Bank One Card account # ending -2220
6. Community Credit Union
7. Lubbock Teachers Federal Credit Union for her vehicle

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2003-092160

06/07/2004

IT IS FURTHER ORDERED that Respondent/Father shall be responsible for and pay the following community debts and shall hold Petitioner/Mother harmless thereon:

1. Sear's Charge Plus
2. Lowe's
3. Bank of America Visa
4. IRS
5. Bank of America
6. Zale's
7. Respondent's Chase Card
8. Desert Schools Credit Union for his vehicle

II. Spousal Maintenance

Having considered the statutory factors set forth in A.R.S. § 25-319, THE COURT FINDS that Petitioner/Mother is entitled to an award of spousal maintenance for the following reasons:

1. Petitioner/Mother lacks sufficient property, including property apportioned to her, to provide for her reasonable needs,
2. Petitioner/Mother is unable to be self-sufficient through appropriate employment or lacks earning ability in the labor market adequate to be self-sufficient, and
3. Petitioner/Mother contributed to the educational opportunities of Respondent/Husband,
4. The parties had a marriage of long duration, and
5. There is a significant disparity in the education, employment history, comparative earning ability, and comparative financial resources of the parties.

IT IS THEREFORE ORDERED that Respondent/Father shall pay Petitioner/Mother spousal maintenance in the amount of \$1,600.00 each month for 84 months, effective June 1, 2003.

III. Child Support

In view of the foregoing spousal maintenance order, the Court has recalculated child support by preparing her own child support worksheets, which incorporate the Court's findings and are filed with the Clerk of the Court herein. Based upon the evidence presented, the Court utilizes \$7,225.00 for Father's gross monthly income and \$1,872.00 for Mother's income, \$372.00 for Father's monthly cost for healthcare coverage for the children, the annualized amount of \$336.00 for Mother's monthly child care expense, and the visitation adjustments as stipulated by the parties at the Expedited Services conference.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2003-092160

06/07/2004

IT IS THEREFORE ORDERED that Father is obligated to pay Mother child support in the amount of \$637.17 each month, effective from June 1, 2003 through January 31, 2004, for the total sum of \$5,097.36.

IT IS FURTHER ORDERED that Father is obligated to pay Mother child support in the amount of \$372.85 each month from and after February 1, 2004, through the Support Payment Clearinghouse by automatic wage assignment. For the period from February 1, 2004 through May 31, 2004, Father is obligated to pay the total sum of \$1,491.40.

IT IS FURTHER ORDERED affirming as a final order of the Court the Expedited Services Report, Recommendation and Order signed by the Court on January 13, 2004 as to medical insurance coverage for the children, non-covered medical expenses for the children, and tax exemptions related to the children, unless the parties agree otherwise. If medical insurance of comparable benefits and cost is available to both parents, the parties may agree to shift to Mother the responsibility of providing medical insurance for the children.

IV. Arrearages

THE COURT FINDS that Father's total support obligation is \$19,200.00 for spousal maintenance and \$6,588.76 for child support from June 1, 2003 through May 31, 2004, for a total sum of \$25,788.76. THE COURT FURTHER FINDS that Father is entitled to a credit against his support obligations in the amount of \$8,445.01 towards spousal maintenance and \$7,295.01 towards child support for his support payments and cash expenditures totaling \$15,470.02 from June 1, 2003 through March 31, 2004. Father also shall receive credit for any of his additional support payments and cash expenditures from April 1, 2004 through May 31, 2004.

IT IS ORDERED directing the parties through counsel to calculate the final Judgment amount for support arrearages through May 31, 2004 for inclusion in the Decree.

IT IS FURTHER ORDERED that Father shall pay a minimum of \$200.00 each month towards his support arrearages until paid in full.

V. Attorney's Fees and Costs

Having considered the financial resources of the parties and the reasonableness of the positions each party has taken throughout these proceedings, the Court finds that Mother is entitled to an award of a portion of her reasonable attorney's fees and costs.

IT IS THEREFORE ORDERED that Father shall reimburse Mother in the amount of \$4,000.00 as and for a portion of her reasonable attorney's fees and costs incurred in this matter.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2003-092160

06/07/2004

IT IS FURTHER ORDERED directing counsel for Father to prepare and submit a form of Decree that incorporates the Court's orders and any additional agreements of the parties within 30 days of the filing date of this minute entry.

FILED: Child Support Worksheet (2).